

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL AARON JAYNE,

Plaintiff,

No. CIV S-02-0418 WBS JFM P

vs.

J. POPE, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with an appeal from the judgment entered in this civil rights action filed pursuant to 42 U.S.C. § 1983. On May 31, 2005, plaintiff filed a request for trial transcripts and excerpts of record to be prepared at government expense.

Title 28 U.S.C. § 753(f) states:

Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or circuit judge certifies that the appeal is not frivolous (but presents a substantial question).

Id.

In the instant case, the trial judge has not certified that the appeal was taken in good faith. (See Order filed May 13, 2005.) Accordingly, IT IS HEREBY ORDERED that plaintiff's May 31, 2005 request is denied without prejudice.

DATED: June 13, 2005.


UNITED STATES MAGISTRATE JUDGE